

As Introduced

**128th General Assembly
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S. B. No. 300

Senator Turner

Cosponsors: Senators Cafaro, Miller, R., Strahorn

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A B I L L

To amend section 2901.13 of the Revised Code to 1
provide that there is no period of limitation for 2
the prosecution of an offense of rape. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2901.13 of the Revised Code be 4
amended to read as follows: 5

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 6
(3) of this section or as otherwise provided in this section, a 7
prosecution shall be barred unless it is commenced within the 8
following periods after an offense is committed: 9

(a) For a felony, six years; 10

(b) For a misdemeanor other than a minor misdemeanor, two 11
years; 12

(c) For a minor misdemeanor, six months. 13

(2) There is no period of limitation for the prosecution of a 14
violation of section 2903.01 ~~or~~, 2903.02, or 2907.02 of the 15
Revised Code. 16

(3) Except as otherwise provided in divisions (B) to (H) of 17
this section, a prosecution of any of the following offenses shall 18

be barred unless it is commenced within twenty years after the 19
offense is committed: 20

(a) A violation of section 2903.03, 2903.04, 2905.01, 21
~~2907.02~~, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 22
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 23
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 24
violation of section 2903.11 or 2903.12 of the Revised Code if the 25
victim is a peace officer, a violation of section 2903.13 of the 26
Revised Code that is a felony, or a violation of former section 27
2907.12 of the Revised Code; 28

(b) A conspiracy to commit, attempt to commit, or complicity 29
in committing a violation set forth in division (A)(3)(a) of this 30
section. 31

(B)(1) Except as otherwise provided in division (B)(2) of 32
this section, if the period of limitation provided in division 33
(A)(1) or (3) of this section has expired, prosecution shall be 34
commenced for an offense of which an element is fraud or breach of 35
a fiduciary duty, within one year after discovery of the offense 36
either by an aggrieved person, or by the aggrieved person's legal 37
representative who is not a party to the offense. 38

(2) If the period of limitation provided in division (A)(1) 39
or (3) of this section has expired, prosecution for a violation of 40
section 2913.49 of the Revised Code shall be commenced within five 41
years after discovery of the offense either by an aggrieved person 42
or the aggrieved person's legal representative who is not a party 43
to the offense. 44

(C)(1) If the period of limitation provided in division 45
(A)(1) or (3) of this section has expired, prosecution shall be 46
commenced for the following offenses during the following 47
specified periods of time: 48

(a) For an offense involving misconduct in office by a public 49

servant, at any time while the accused remains a public servant, 50
or within two years thereafter; 51

(b) For an offense by a person who is not a public servant 52
but whose offense is directly related to the misconduct in office 53
of a public servant, at any time while that public servant remains 54
a public servant, or within two years thereafter. 55

(2) As used in this division: 56

(a) An "offense is directly related to the misconduct in 57
office of a public servant" includes, but is not limited to, a 58
violation of section 101.71, 101.91, 121.61 or 2921.13, division 59
(F) or (H) of section 102.03, division (A) of section 2921.02, 60
division (A) or (B) of section 2921.43, or division (F) or (G) of 61
section 3517.13 of the Revised Code, that is directly related to 62
an offense involving misconduct in office of a public servant. 63

(b) "Public servant" has the same meaning as in section 64
2921.01 of the Revised Code. 65

(D) An offense is committed when every element of the offense 66
occurs. In the case of an offense of which an element is a 67
continuing course of conduct, the period of limitation does not 68
begin to run until such course of conduct or the accused's 69
accountability for it terminates, whichever occurs first. 70

(E) A prosecution is commenced on the date an indictment is 71
returned or an information filed, or on the date a lawful arrest 72
without a warrant is made, or on the date a warrant, summons, 73
citation, or other process is issued, whichever occurs first. A 74
prosecution is not commenced by the return of an indictment or the 75
filing of an information unless reasonable diligence is exercised 76
to issue and execute process on the same. A prosecution is not 77
commenced upon issuance of a warrant, summons, citation, or other 78
process, unless reasonable diligence is exercised to execute the 79
same. 80

(F) The period of limitation shall not run during any time 81
when the corpus delicti remains undiscovered. 82

(G) The period of limitation shall not run during any time 83
when the accused purposely avoids prosecution. Proof that the 84
accused departed this state or concealed the accused's identity or 85
whereabouts is prima-facie evidence of the accused's purpose to 86
avoid prosecution. 87

(H) The period of limitation shall not run during any time a 88
prosecution against the accused based on the same conduct is 89
pending in this state, even though the indictment, information, or 90
process that commenced the prosecution is quashed or the 91
proceedings on the indictment, information, or process are set 92
aside or reversed on appeal. 93

(I) The period of limitation for a violation of any provision 94
of Title XXIX of the Revised Code that involves a physical or 95
mental wound, injury, disability, or condition of a nature that 96
reasonably indicates abuse or neglect of a child under eighteen 97
years of age or of a mentally retarded, developmentally disabled, 98
or physically impaired child under twenty-one years of age shall 99
not begin to run until either of the following occurs: 100

(1) The victim of the offense reaches the age of majority. 101

(2) A public children services agency, or a municipal or 102
county peace officer that is not the parent or guardian of the 103
child, in the county in which the child resides or in which the 104
abuse or neglect is occurring or has occurred has been notified 105
that abuse or neglect is known, suspected, or believed to have 106
occurred. 107

(J) As used in this section, "peace officer" has the same 108
meaning as in section 2935.01 of the Revised Code. 109

Section 2. That existing section 2901.13 of the Revised Code 110

is hereby repealed. 111

Section 3. Section 2901.13 of the Revised Code, as amended by 112
this act, applies to a violation of section 2907.02 of the Revised 113
Code committed on or after the effective date of this act and 114
applies to a violation of section 2907.02 of the Revised Code 115
committed prior to the effective date of this act if, on the 116
effective date of this act, prosecution for that violation was not 117
barred under section 2901.13 of the Revised Code as it existed on 118
the day prior to the effective date of this act. 119

Section 4. The General Assembly, applying the principle 120
stated in division (B) of section 1.52 of the Revised Code that 121
amendments are to be harmonized if reasonably capable of 122
simultaneous operation, finds that the following sections, 123
presented in this act as composites of the sections as amended by 124
the acts indicated, are the resulting versions of the sections in 125
effect prior to the effective date of the sections as presented in 126
this act: 127

Section 2901.13 of the Revised Code as amended by both Sub. 128
H.B. 46 and S.B. 219 of the 127th General Assembly. 129